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SENATE JUDICIARY
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TESTIMONY ON SB175 — Proponent

I favor SB175 because it will keep our court system impartial. The legal system is needed to peacefully settle disputes in any society. The legitimacy of the legal system is based on a public perception that the decision-maker who hears their dispute will be impartial.

Currently candidates for judicial office must raise significant amounts of money to participate in statewide supreme court elections. Large donors have the expectation of reciprocity. And the need for large donations will skew the pool of candidates to those whom large donors approve of. The need to raise money for the next campaign will increase in importance over time.

Inevitably, the courts will be filled with judges whose views are those of the large donors or interests. And, as a Texas politician once said, "you dance with those that brung ye, or you don't get brung." In these circumstances a judge could be neutral as to a divorce, but neutrality will be dangerous if the interests who supported or opposed his candidacy come before the court. A judge who wants to keep their seat will know how to decide when they read the names of the parties, never mind the facts and the law. Judges are then tempted to write "result-oriented" decisions.

This works for legislators who are not supposed to be neutral and where the politics of interest and faction are sensible. Legislators are expected to take sides. Neutrality is counter-productive in the partisan political environment. But if we are to have impartial judges, neutrality and impartiality must be preserved.

And the public perception of impartiality is just as important as the reality. As long as large amounts of campaign contributions and funds are involved, there is always the public perception that a judge was bought by one interest or another.

Creating a commission to nominate judges will insulate judges from the need to raise funds and the problems that creates for them and for the legitimacy of the legal system. SB 175 leaves the public in control of their judiciary. Politics will still play a part. It is naive to think otherwise. But the commission can bring important information into the process that is not now available to the public, particularly the usually invisible judicial performance issues.

A judge or justice needs the following characteristics:

- Impartial and Fair
- Knowledge of the law
- Efficient management of the case load.
- Leadership in Court
 - ability to manage staff
 - ability to control the court room
- Skill in communication
- Practical